

**FIFTY-NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 5, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Courtney Sorensen, Page.

Approval of Journal

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 4, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1026** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1026** and, when so signed, ordered it returned to the Senate.

March 4, 2003

Mr. Speaker:

I return herewith enrolled **HCR 16** and **H 147** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 16** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled **H 147** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 4, 2003

Mr. Speaker:

I transmit herewith **SCR 107** and **SCR 108** which have passed the Senate.

WOOD, Secretary

SCR 107 and **SCR 108** were filed for first reading.

March 4, 2003

Mr. Speaker:

I return herewith **HCR 23, HCR 18, HCR 19, H 22, H 162, H 164, and H 165** which have passed the Senate.

WOOD, Secretary

HCR 23, HCR 18, HCR 19, H 22, H 162, H 164, and H 165 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 318, H 319, H 320, H 321, H 322, H 323, H 324, H 325, H 326, H 327, and H 328**.

FIELD(18), Chairman

H 318, H 319, H 320, H 322, H 325, and H 326 were referred to the Education Committee.

H 321 and **H 323** were referred to the State Affairs Committee.

H 324 was referred to the Business Committee.

H 327 was referred to the Revenue and Taxation Committee.

H 328 was filed for second reading.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 115, H 116, H 181, H 182, H 145, H 146, H 103, H 138, H 23, H 24, and H 25**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 115, H 116, H 181, H 182, H 145, H 146, H 103, H 138, H 23, H 24, and H 25**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 4, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 193** and recommend that it do pass.

CROW, Chairman

H 193 was filed for second reading.

March 4, 2003

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 199** and report it back with amendments attached to be placed on General Orders for consideration.

SALI, Chairman

H 199 was placed on General Orders for consideration.

March 4, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 303**, **S 1041**, and **S 1042** and recommend that they do pass.

WOOD, Chairman

H 303, **S 1041**, and **S 1042** were filed for second reading.

March 4, 2003

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 283** and report it back with amendments attached to be placed on General Orders for consideration.

JONES, Chairman

H 283 was placed on General Orders for consideration.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 312**, **H 313**, and **H 314** and recommend that they do pass.

DEAL, Chairman

H 312, **H 313**, and **H 314** were filed for second reading.

March 5, 2003

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 301** and recommend that it do pass.

TILMAN, Chairman

H 301 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Sali asked unanimous consent that **H 160** be returned to the Health and Welfare Committee. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **H 316** be returned to the Commerce and Human Resources Committee. There being no objection, it was so ordered.

SCR 107 and **SCR 108**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

Introduction, First Reading, and Reference

of Bills and Joint Resolutions

HOUSE BILL NO. 330 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 331 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LANDSCAPE ARCHITECTS; AMENDING SECTION 54-3002, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3003, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE QUALIFICATIONS FOR LICENSURE, TO REVISE BOARD MEMBERSHIP TERMS, TO REVISE BOARD POWERS AND DUTIES, TO REVISE RENEWAL AND REINSTATEMENT PROVISIONS, TO REVISE ENDORSEMENT PROVISIONS, TO REVISE EXEMPTIONS TO INCLUDE LAND USE PLANNERS, TO MAKE GRAMMATICAL CHANGES, TO REVISE APPLICABILITY FOR INDIVIDUALS, TO PROVIDE FOR APPLICATION OF SEALS FOR CERTIFICATION, TO CLARIFY APPLICATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3004, IDAHO CODE, TO REVISE GROUNDS FOR DISCIPLINE, TO PROVIDE FOR THE APPEAL OF ANY BOARD ORDER, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-3005, IDAHO CODE, TO REVISE VIOLATIONS AND PENALTIES, TO PROVIDE CORRECT TERMINOLOGY, TO MAKE TECHNICAL CORRECTIONS AND TO CORRECT A CODIFIER'S ERROR.

H 330 and **H 331** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 271 and **H 272**, by Education Committee, were read the second time by title and filed for third reading.

HCR 26 and **H 291**, by State Affairs Committee, were read the second time by title and filed for third reading.

HCR 27, **H 284**, and **H 329**, by Ways and Means Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 5, 2003

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 232**, **H 269**, **HCR 13**, **HCR 21**, as amended, **H 199**, and **H 283** and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H 232

AMENDMENTS TO SECTION 2

On page 1 of the printed bill, in line 25, delete "disclose" and insert: "provide written disclosure"; and in line 28, following "authority." insert: "The written disclosure shall be a statement by the property owner and shall not be construed to be a statement made by any agent representing the property owner. No agent of the property owner shall be authorized to make such a disclosure as provided in this chapter or to verify the same."

AMENDMENTS TO SECTION 3

On page 1, in line 32, following "SALE." insert: "(1)"; in line 35, following "submit a" insert: "written copy of the"; and following line 37, insert:

"(2) The disclosures required by the provisions of this chapter shall be set forth in the following disclosure form. An alternative form may be utilized provided that the terms of such form shall be substantially similar to the terms set forth herein:

Business Improvement District Disclosure

Purchaser or lessee has received notification that the property purchased or leased is located within a business improvement district. Purchaser or lessee understands that they may be responsible to pay special assessments to the legislative authority responsible for the business improvement district.

I/we acknowledge receipt of a copy of this disclosure statement.

Seller/Lessor:	Buyer/Lessee:
.....
Date:	Date:
.....
Date:	Date:".

CORRECTIONS TO TITLE

On page 1, in line 7, following "DISTRICT" insert: ", TO

CLARIFY THE NATURE OF SUCH DISCLOSURES AND TO PROVIDE A RESTRICTION"; and in line 11, following "DISTRICT" insert: "AND TO PROVIDE FOR DISCLOSURE FORMS".

HOUSE AMENDMENT TO H 269

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11, following "principal," insert: "or designee,".

AMENDMENT TO BILL

On page 1, following line 24, insert:

"SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTION TO TITLE

On page 1, in line 5, following "DEFAMATION" insert: "; AND DECLARING AN EMERGENCY".

HOUSE AMENDMENT TO HCR 13

AMENDMENTS TO THE RESOLUTION

On page 1 of the printed resolution, in line 39, following "approval" insert: ", following a legislative review"; on page 2, in line 1, delete "non-Medicaid" and insert: "traditional and nontraditional"; and in line 4, following "effort" insert: ", including cost analysis,".

HOUSE AMENDMENT TO HCR 21, as amended

AMENDMENTS TO THE RESOLUTION

On page 1 of the engrossed resolution, delete lines 30 through 33 and insert:

"WHEREAS, the use of the Private Provider effort has decreased costs in the amount of \$7,271,489 from 1994 to 2001; and";

in line 36, delete "contractor," and insert: "contractor and 44"; in line 37, delete ", and \$1.3 million for computer upgrades"; in line 39, delete "must be established without" and delete line 40, and insert: "could be established with only an additional 12 FTEs; and"; on page 2, following line 27, insert:

"4. The plan shall be developed in a manner such that services will be provided by a provider other than the provider conducting the eligibility assessment. In rural areas or regions of limited availability of providers, or at the request of the consumer upon good grounds, the eligibility assessment provider may render services as approved by the regional access units of the Department of Health and Welfare."; in line 28, delete "4" and insert: "5"; in line 32, delete "5" and insert: "6"; in line 34, delete "6" and insert: "7"; in line 37, delete "7" and insert: "8"; in line 40, delete "8" and insert: "9"; and in line 48, delete "9" and insert: "10".

HOUSE AMENDMENTS TO H 199

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 32, delete "is" and

insert: "is"; in line 35, delete "participating" and insert: "participates"; and also in line 35, following "games" insert: "requiring physical strength, agility, flexibility, range of motion, speed or stamina and which exercises, sports or games are of the type"; in line 37, following "sports" delete the remainder of the line and delete lines 38 and 39 and insert: "club or organization."; in line 41, following "disorders)," insert: "incurred by an athlete."; on page 2, in line 28, following "board." delete the remainder of the line and delete lines 29 and 30.

AMENDMENT TO SECTION 2

On page 3, in line 19, following "trainer." insert: "An athlete with an athletic injury not incurred in association with an educational institution, professional, amateur or recreational sports club or organization shall be referred by a directing physician, but only after such directing physician has first evaluated the athlete and referred such athlete to the athletic trainer."

AMENDMENTS TO SECTION 4

On page 4, delete lines 9, 10 and 11, and insert:

"(6) Nothing herein shall be construed to require registration of elementary or secondary school teachers, coaches or authorized volunteers who do not hold themselves out to the public as athletic trainers.

(7) This act shall not be construed as to require licensure by persons assisting in an emergency or in providing aid or service for which no fee for service is contemplated, charged or received, provided that the person providing the service or assisting in the emergency does not hold himself out as an athletic trainer."

HOUSE AMENDMENT TO H 283

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 36, delete "A board of county commissioners with a process in", delete lines 37 through 39 and insert: "~~A board of county commissioners with a process in place on January 1, 2000, for the siting of large confined animal feeding operations and facilities is exempt from the requirements of this subsection but may choose to operate under this subsection.~~".

CORRECTION TO TITLE

On page 1, in line 6, delete "AND" and insert: ", "; and in line 7, following "COMMISSIONERS" insert: ", TO STRIKE AN EXEMPTION AND TO STRIKE A PROVISION RELATING TO VOLUNTARY APPLICATION".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

H 232, as amended, **H 269**, as amended, **HCR 13**, as amended, **HCR 21**, as amended, as amended, **H 199**, as amended, and **H 283**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

H 252 was filed for second reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **H 275** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

HJM 4 was read the third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Barrett to open debate.

The question being, "Shall **HJM 4** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Nielsen, Raybould, Ridinger, Roberts, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 55.

NAYS -- Bieter, Boe, Douglas, Henbest, Jaquet, Langhorst, Martinez, Naccarato, Ringo, Robison, Saylor, Smith(30), Smith(24). Total -- 13.

Absent and excused -- Cuddy, Ring. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HJM 4** adopted and ordered the memorial transmitted to the Senate.

S 1031 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **S 1031** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24),

Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Clark, Moyle. Total -- 2.

Absent and excused -- Ring. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1031** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Andersen, Bell, Ring, Roberts. Total -- 4.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1112 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **S 1112** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Andersen, Bell, Field(18), Lake, Ring, Roberts. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1112** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 15 was read the third time at length, section by section, and

placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **H 15** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Andersen, Bell, Ring, Roberts. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 15** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 264 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **H 264** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Andersen, Bell, Ring, Roberts. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 264** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Thursday, March 6, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:41 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk